

Article - Public Utilities

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§20–105.

(a) The Commission shall award contracts by:

(1) competitive sealed bids in accordance with subsection (b) of this section; or

(2) competitive sealed proposals in accordance with subsection (c) of this section.

(b) (1) If a contract is awarded based on competitive sealed bids, the Commission shall seek bids by issuing an invitation for bids.

(2) Subject to paragraphs (3) through (5) of this subsection, an invitation for bids shall:

(i) include the contract specifications, including the expected degree of minority business enterprise participation provided under Subtitle 2 of this title; and

(ii) state whether the contract will be awarded based on the lowest bid price or the lowest evaluated bid price.

(3) If a contract will be awarded based on an evaluated bid price, the invitation for bids shall include the objective measurable criteria by which the lowest evaluated bid price will be determined.

(4) The Commission shall award contracts based on competitive sealed bids to the responsible bidder who submits the lowest bid price or lowest evaluated bid price, as appropriate.

(5) If the Commission determines that an initial preparation of specifications for price bids is impractical, the invitation for bids may:

(i) include a request for an unpriced technical offer or sample;
and

(ii) direct a bidder to submit:

- or sample; or
1. a sealed price bid with the unpriced technical offer
 2. a price bid after the Commission:
 - A. evaluates the technical offer or sample; and
 - B. finds that the offer or sample is acceptable under the criteria set forth in the invitation for bids.

(6) If an invitation for bids includes a request for an unpriced technical offer or sample, the Commission shall:

- (i) consider the price bid of a bidder whose technical offer or sample is acceptable;
- (ii) return unopened the price bid of a bidder whose technical offer or sample is unacceptable; and
- (iii) award the contract to the responsible bidder whose technical offer or sample is acceptable and who submits the lowest bid price or lowest evaluated bid price, as specified in the invitation for bids.

(c) (1) If a contract is awarded based on competitive sealed proposals, the Commission shall seek proposals by issuing a request for proposals.

(2) A request for proposals shall include:

- (i) a statement describing the scope of the contract, including the expected degree of minority business enterprise participation provided under Subtitle 2 of this title;
- (ii) the factors, including price, that will be used in evaluating proposals; and
- (iii) the relative importance of each factor.

(3) After receipt of proposals, but before the contract is awarded, the Commission may conduct discussions with an offeror to:

- (i) obtain the best price for the Commission; and
- (ii) ensure full understanding of the requirements of the Commission, as set forth in the request for proposals and in the proposal.

(4) The Commission:

(i) shall treat all responsible offerors fairly and equally; and

(ii) may allow each responsible offeror to revise the offeror's initial proposal and submit a best and final offer.

(5) The Commission shall award a contract based on competitive sealed proposals to the responsible offeror who submits the proposal or best and final offer that the Commission determines is the most advantageous to the Commission, considering the evaluation factors set forth in the request for proposals.

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